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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,830

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Jeroen Arnoldus Leonardus Johannes Raaymakers

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CHOW, LIXI

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,830	<b>Applicant(s)</b> RAAYMAKERS, JEROEN ARNOLDUS LEONARDUS J	
	<b>Examiner</b> Lixi Chow	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 4, 5 and 11 are objected to because of the following informalities: the word "focussing" in claims 1, 5 and 11 should be --focusing--; and the word "sero" in claim 4 should be --servo--. Appropriate correction is required.

### ***Drawings***

2. Figures Figs. 2a and 2b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-6, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Park et al. (US 2003/0198160; hereafter Park).

Regarding claim 1:

Park discloses an apparatus (see Fig. 1) for reducing power dissipation in an optical drive system between consecutive read/record actions, the system comprising a radiation source (see Fig. 1, element 104), focusing means for directing a radiation spot on a data storage medium at a position thereon at which it is required to perform a read/record action (Fig. 1, element 105), and a servo control arrangement including at least a tilt compensation mechanism (see par. [0027]; the pick-up unit 104 also includes a tilt servo), the apparatus comprising means for switching off said tilt compensation mechanism and means for causing said radiation spot to be returned to, or maintained at, substantially the same position on said optical storage medium while said tilt compensation mechanism is inoperative (see Fig. 4, step S102; it is obvious that the apparatus continues to read data from the optical disc when no error is detected; in order to continue to read data from the optical disc, the light is inherently maintained at the same position while the tile servo is turned off).

Regarding claim 2:

Park discloses an apparatus according to claim 1, wherein said servo control arrangement includes a plurality of compensation mechanisms, including focus and radial tracking functions, and any one or more of said compensation mechanisms (see Fig. 1, elements 104-105 inherently includes a focusing, tracking function and other compensation function in order to accurately read information from the disc), except said focus and radial tracking functions, is switched off in order to reduce power dissipation between consecutive read/record actions (see Fig. 4, step S102).

Regarding claim 4:

Park discloses an optical drive system comprising a radiation source, focusing means for directing a radiation spot on a data storage medium at a position thereon at which it is required to perform a read/record action, a servo control arrangement including at least a tilt compensation mechanism, and apparatus according to claim 1 (see Fig. 1).

Regarding claim 5:

Park discloses the optical drive system according to claim 4, further comprising an optical pickup unit (Fig. 1, element 104) including the radiation source and focusing means (element 105), and a sledge motor for controlling movement of the optical pickup unit in a radial direction relative to the optical storage medium (the apparatus inherently includes a sledge motor in order to move the optical pickup from the inner radius to the outer radius of the disc), the apparatus comprising means for disabling the sledge motor function (a power switch is being construed as a means for disabling the sledge motor function).

Regarding claim 6:

Park discloses the optical drive system according to claim 5, wherein the sledge motor function is disabled (it is inherent that the sledge motor function is disabled when the power is turn off in the optical drive system).

Regarding claim 10:

Park discloses the optical data storage system including an optical drive system according to claim 4 (see Fig. 1).

Regarding claim 11:

Claim 11 recites similar limitations as in claim 1; hence, claim 11 is rejected under the same reasons set forth in claim 1.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Matsui (US 2001/0053112).

Regarding claim 3:

Park discloses all the features in claim 1; however, Park does not mention whether the radiation spot is returned to an address on the optical disc at which a previous read/record action was terminated.

On the other hand, Matsui discloses an apparatus, wherein the position on an optical storage medium at which the radiation spot is maintained, or to which the radiation spot is returned, beneficially corresponds to an address on the optical storage medium at which a previous read/record action was terminated (see Fig. 3 and par. [0136]-[0138]; the data is recorded continuously even after an interruption).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to perform the function of maintain or returning the radiation spot at an address at which a previous read/record action was terminated in the apparatus of Park. One of ordinary skill in the art would have been motivated to do this because data can be stably recorded continuously without a discontinuity (see par. [0138]).

*Allowable Subject Matter*

7. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the reference of record alone or in combination discloses maintaining the radiation spot at a same position on the optical storage medium using a radial actuator voltage measurement.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jo et al. (US 2004/0141434) is cited because Jo et al. disclose an apparatus and method for adjusting tilt only when a measured tilt is greater than reference tilt.

Fujita et al. (US 2002/0021640) is a related art reference that teaches an apparatus includes a tilt servo, and a focusing/tracking servo.

Chen (US 2004/0136282) is cited to show a related art reference that shows a sled motor in an optical storage device.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lixi Chow whose telephone number is 571-272-7571. The examiner can normally be reached on Mon-Fri, 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TAN Xuan DINH/  
Primary Examiner, Art Unit 2627  
September 18, 2008

/Lixi Chow/  
9/18/08